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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,

Case No. 3:23-cv-02880-JSC

Plaintiff,

**DECLARATION OF ALYSHA BOHANON
IN SUPPORT OF PLAINTIFF FEDERAL
TRADE COMMISSION'S
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED [ECF NO. 336]**

MICROSOFT CORPORATION and
ACTIVISION BLIZZARD, INC.

Dept.: Courtroom 8—19th Floor
Judge: Honorable Jacqueline S. Corley

Defendants.

1 I, Alysha Bohanon, hereby declare under penalty of perjury that the following is true and correct:

2 1. I am an Associate at Wilkinson Stekloff LLP and am counsel for Defendant Microsoft
3 Corporation (“Microsoft”) in the above-captioned matter. I submit this declaration in support of
4 Microsoft’s Statement in Support of Plaintiff Federal Trade Commission’s (“FTC” or “Plaintiff”)
5 Administrative Motion to Consider Whether Another Party’s Material Should be Sealed (ECF No. 336)
6 (“Administrative Motion”) in connection with the FTC’s Initial Proposed Findings of Fact and
7 Conclusions of Law (hereafter, “Findings of Fact and Conclusions of Law”) (ECF No. 175). In my role,
8 I have personal knowledge of Microsoft’s use and protection of non-public, highly sensitive, and
9 confidential business information, including the information at issue here.

10 2. I have personal knowledge of the facts set forth in this Declaration and, if called as a
11 witness, could and would competently testify to them.

12 3. I have reviewed and am familiar with the portions identified in the Administrative
13 Motion, as they contain information designated by Microsoft as “Confidential.”

14 4. As set forth in the Administrative Motion, certain limited portions of the Findings of Fact
15 and Conclusions of Law contain non-public and highly sensitive information, including, but not limited
16 to, information reflecting Microsoft’s internal decision-making processes, investment decisions,
17 assessment of the competitive landscape, strategic evaluation of forward-looking opportunities, business
18 partnerships, financial information and projections, existing confidential agreements, and internal
19 discussions of business strategy.

20 5. This information could be used to injure Microsoft if made publicly available, and it
21 would cause competitive harm to Microsoft if the above information was publicly disclosed. For
22 example, disclosure of this information would give Microsoft’s competitors insight into Microsoft’s
23 strategies, plans, and assessments regarding potential opportunities, and those competitors may alter their
24 strategic plans or offerings if they knew Microsoft’s strategies and plans. Disclosure of this information
25 would also harm Microsoft by allowing its competitors to circumvent the time and resources expended
26 by Microsoft in developing its internal practices and strategies. Disclosure of this information would
27 further harm Microsoft’s negotiating position with its business partners.

1 6. Microsoft takes robust measures to maintain the confidentiality of all the above-described
2 information, including limiting internal disclosure of some of this information to persons on a need-to-
3 know basis, and does not disclose it publicly. All of this information was designated as confidential
4 pursuant to Section 21 of the FTC Act, 15 U.S.C. § 57b-2, and/or as Confidential pursuant to the
5 Protective Order Governing Confidential Material entered on December 9, 2022 in *In the matter of*
6 *Microsoft Corp. & Activision Blizzard, Inc.* Docket No. 9412 (FTC). This information is also
7 Confidential under the operative protective order in this case (ECF Nos. 115-1, 170). For these reasons,
8 Microsoft respectfully requests that the Court order the confidential excerpts of the Findings of Fact and
9 Conclusions of Law set forth in the Administrative Motion to be sealed.

10 I declare under penalty of perjury under the laws of the United States that the foregoing is true
11 and correct to the best of my knowledge.

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13 Dated: August 7, 2023

/s/ Alysha Bohanon
Alysha Bohanon

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